

SECOND REGULAR SESSION

SENATE BILL NO. 795

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS KENNEDY AND GRIESHEIMER.

Read 1st time January 4, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4119S.011

AN ACT

To repeal section 250.140, RSMo, and to enact in lieu thereof one new section relating to delinquent water and sewer service bills.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 250.140, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 250.140, to read as follows:

250.140. 1. Sewerage services, water services, or water and sewerage
2 services combined shall be deemed to be furnished to both the occupant and
3 owner of the premises receiving such service and, except as otherwise provided
4 in subsection 2 of this section, the city, town, village, or sewer district or water
5 supply district organized and incorporated under chapter 247, RSMo, rendering
6 such services shall have power to sue the occupant or owner, or both, of such real
7 estate in a civil action to recover any sums due for such services less any deposit
8 that is held by the city, town, village, or sewer district or water supply district
9 organized and incorporated under chapter 247, RSMo, for such services, plus a
10 reasonable attorney's fee to be fixed by the court.

11 2. When the occupant is delinquent in payment for thirty days, the city,
12 town, village, sewer district, or water supply district shall make a good faith
13 effort to notify the owner of the premises receiving such service of the
14 delinquency and the amount thereof. Notwithstanding any other provision of this
15 section to the contrary, when an occupant is delinquent more than ninety days,
16 the owner shall not be liable for sums due for more than ninety days of service;
17 provided, however, that in any:

18 (1) City not within a county [and any home rule city with more than four
19 hundred thousand inhabitants and located in more than one county, until

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 January 1, 2007,] when an occupant is delinquent more than one hundred twenty
21 days the owner shall not be liable for sums due for more than one hundred twenty
22 days of service[, and after January 1, 2007, when an occupant is delinquent more
23 than ninety days the owner shall not be liable for sums due for more than ninety
24 days]; and

25 **(2) Home rule city with more than four hundred thousand**
26 **inhabitants and located in more than one county, until January 1, 2007,**
27 **when an occupant is delinquent more than one hundred twenty days**
28 **the owner shall not be liable for sums due for more than one hundred**
29 **twenty days of service, and after January 1, 2007, when an occupant is**
30 **delinquent more than ninety days the owner shall not be liable for sums**
31 **due for more than ninety days.**

32 Any notice of termination of service shall be sent to both the occupant and owner
33 of the premises receiving such service.

34 3. The provisions of this section shall apply only to residences that have
35 their own private water and sewer lines. In instances where several residences
36 share a common water or sewer line, the owner of the real property upon which
37 the residences sit shall be liable for water and sewer expenses.

38 4. Notwithstanding any other provision of law to the contrary, any water
39 provider who terminates service due to delinquency of payment by a consumer
40 shall not be liable for any civil or criminal damages.

41 5. The provisions of this section shall not apply to unapplied-for utility
42 services. As used in this subsection, "unapplied-for utility services" means
43 services requiring application by the property owner and acceptance of such
44 application by the utility prior to the establishment of an account. The property
45 owner is billed directly for the services provided, and as a result, any delinquent
46 payment of a bill becomes the responsibility of the property owner rather than the
47 occupant.

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